

IN THE WATER COURT OF THE STATE OF MONTANA  
UPPER MISSOURI DIVISION  
DEARBORN RIVER BASIN (41U)  
PRELIMINARY DECREE

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CLAIMANTS: Arthur D. Thompson; Margaret A.  
Brown; David J. Brown; Brown Family  
Investments

**CASE 41U-0099-R-2023**  
41U 97137-00  
41U 30147358

OBJECTOR: United States of America (Bureau of Land  
Management)

**ORDER AMENDING AND ADOPTING MASTER'S REPORT  
AND  
CORRECTING ABSTRACT**

Pursuant to Montana Code Annotated, section 85-2-233(5), Case 41U-0099-R-2023 was assigned to Water Master Anika M. Stern. A Master's Report containing Findings of Fact and Conclusions of Law was issued on June 27, 2023.

The Master's Report recommended the dismissal of the United States of America (Bureau of Land Management) Objection to claim 41U 30147358 because the Motion to Amend removed federal land from the claim as requested, resolving the Objection. On June 27, 2023, the United States of America (Bureau of Land Management) filed a Statement Regarding Verified Motion to Amend. (Doc. 8.00). The Statement indicates the Thompsons Amendments resolve the Bureau of Land Management's Objection to claim 41U 30147358. The Master's Report should be amended to reflect that the Bureau of Land Management indicated the Objection to claim 41U 30147358 is resolved if federal land is removed from the claim.

On June 29, 2023, Arthur D. Thompson (Thompson) objected to the Master's Report indicating that Thompson's June 14, 2023 Motion to Amend Claims 41U 97137-00 and 41U 30147358 contained an error in the point of diversion and place of use. (Doc.<sup>1</sup> 5.00). The error was reflected on the Post Decree Abstract for claim 41U 30147358 attached to the Master's Report. The point of diversion and place of use legal land descriptions for claim 41U 30147358 should be corrected to:

<u>ID</u>	<u>Acres</u>	<u>Cont Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2	10	16N	6W	LEWIS AND CLARK
2			S2	11	16N	6W	LEWIS AND CLARK
3				15	16N	6W	LEWIS AND CLARK
4			NE	22	16N	6W	LEWIS AND CLARK

The Post Decree Abstract for claim 41U 30147358 has been corrected.

The Court has reviewed the Water Master's Findings and Conclusions. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report with the above-referenced amendment.

A corrected Post Decree Abstract for claim 41U 30147358 is served with this Order to confirm that the Recommendations set forth in the Master's Report, as amended by this Order, have been adopted for the claims in this Case.

**ELECTRONICALLY SIGNED AND DATED BELOW.**

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<sup>1</sup> "Doc." numerical references correlate to case file docket numbers in the Water Court's Full Court case management system.

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**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**DEARBORN RIVER**  
**BASIN 41U**

**Water Right Number:** 41U 30147358 STATEMENT OF CLAIM

**Version:** 2 -- POST DECREE

**Status:** ACTIVE

**Owners:** ARTHUR D THOMPSON  
7950 BIRDTAIL RD  
WOLF CREEK, MT 59648 8602

**Priority Date:** JUNE 29, 1908

**Type of Historical Right:** USE

**Purpose (use):** STOCK

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

**Volume:** THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

**Source Name:** UNNAMED TRIBUTARY OF DEARBORN RIVER, MIDDLE FORK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		S2	10	16N	6W	LEWIS AND CLARK
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
2		S2	11	16N	6W	LEWIS AND CLARK
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
3			15	16N	6W	LEWIS AND CLARK
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
4		NE	22	16N	6W	LEWIS AND CLARK
<b>Period of Diversion:</b> JANUARY 1 TO DECEMBER 31						
<b>Diversion Means:</b> LIVESTOCK DIRECT FROM SOURCE						
<b>Period of Use:</b> JANUARY 1 TO DECEMBER 31						

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			S2	10	16N	6W	LEWIS AND CLARK
2			S2	11	16N	6W	LEWIS AND CLARK
3				15	16N	6W	LEWIS AND CLARK
4			NE	22	16N	6W	LEWIS AND CLARK